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5 UNITED STATES DISTRICT COURT
6 FOR THE EASTERN DISTRICT OF WASHINGTON
7

8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 v.
11

12 MICHAEL SHANE LEAVITT,

13 Defendant.
14

Case No. 2:18-CR-0177-TOR

Protective Order Pursuant to 18
U.S.C. § 3509, Regarding
Identification of Minor Victims

15 BEFORE THE COURT is the United States' Motion for a Protective Order
16 pursuant to 18 U.S.C. § 3509, regarding protecting the identities of minor children.
17 ECF No. 17. The motion was submitted for consideration without oral argument
18 on an expedited basis. Having reviewed the file and the records contained therein,
19 the Court is fully informed.
20
21

22 GOOD CAUSE HAVING BEEN SHOWN, IT IS HEREBY ORDERED
23 that the privacy protection measures mandated by 18 U.S.C. § 3509(d) that apply
24 when a case involves a person under the age of eighteen years who is alleged to be
25 a victim of a crime of sexual exploitation, or a witness to a crime committed
26 against another person, apply to this case.
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1 The Court also recognizes that there are some individuals in this case who
2 were children when they are alleged to have been victims of child sexual abuse, but
3 are now adults. Thus, the provisions of this Order apply to the identification of
4 minor children and any adults who were minor children when they were alleged to
5 have been victims of sexual abuse. For purposes of this order, the term “children”
6 encompasses both of these categories.
7

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9 IT IS FURTHER ORDERED that all persons acting in this case in a capacity
10 described in 18 U.S.C. § 3509(d)(1)(B), shall:
11

- 12 1. Keep all documents that disclose the names, identities, or any other
13 information concerning children in a secure place to which no person
14 who does not have reason to know their contents has access; and
15
- 16 2. Disclose such documents or the information in them that concerns
17 children only to persons who, by reason of their participation in the
18 proceeding, have reason to know such information.
19
- 20 3. Not permit Defendant himself to review the unredacted discovery
21 outside the presence of defense counsel or a defense investigator;
22
- 23 4. Not permit Defendant to keep any discovery in his own possession
24 outside the presence of defense counsel or a defense investigator;
25
- 26 5. Not permit Defendant to keep, copy, or record the identities of any
27 child or victim identified in discovery in this case.
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1 IT IS FURTHER ORDERED that all papers to be filed in Court that disclose
2 the names or any other information identifying or concerning children shall be
3
4 filed under seal without necessity of obtaining a Court order, and that the person
5 who makes the filing shall submit to the Clerk of the Court –

- 6 1. the complete paper to be kept under seal; and
- 7
8 2. the paper with the portions of it that disclose the names or other
9 information identifying or concerning children redacted, to be placed
10 in the public record.
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12 IT IS FURTHER ORDERED that counsel for the government and counsel
13
14 for Defendant shall provide one another with a copy of each unredacted pleading
15 filed in this case, provided that such pleading is not filed *in camera*.

16 IT IS FURTHER ORDERED that the parties and the witnesses shall not
17
18 disclose children's names at pre-trial proceedings or at trial in this case. The
19 parties shall prepare their witnesses and instruct them to refer to the alleged minor
20 victims only by using agreed-upon initials or pseudonyms (e.g., "Victim A,"
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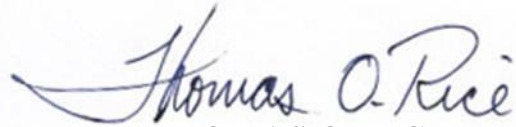
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1 “Victim B”), rather than their names, in opening statements, during the
2 presentation of evidence, and in closing arguments.
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4 Dated October 11, 2018.




THOMAS O. RICE
Chief United States District Judge